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| APPLICATION NO.                           | FILING DATE | FIRST NAMED INVENTOR     | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|--------------------------|---------------------|------------------|
| 10/564,421                                | 01/11/2006  | Antonius Adrianus Kalker | 2003P01969WOUS      | 8966             |
| 24737                                     | 7590        | 11/16/2011               |                     |                  |
| PHILIPS INTELLECTUAL PROPERTY & STANDARDS |             |                          |                     |                  |
| P.O. BOX 3001                             |             |                          |                     |                  |
| BRIARCLIFF MANOR, NY 10510                |             |                          |                     |                  |
| EXAMINER                                  |             |                          |                     |                  |
| CERVETTI, DAVID GARCIA                    |             |                          |                     |                  |
| ART UNIT                                  |             | PAPER NUMBER             |                     |                  |
| 2436                                      |             |                          |                     |                  |
| NOTIFICATION DATE                         |             | DELIVERY MODE            |                     |                  |
| 11/16/2011                                |             | ELECTRONIC               |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Office Action Summary****Application No.**

10/564,421

**Applicant(s)**

KALKER ET AL.

**Examiner**

David García Cervetti

**Art Unit**

2436

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 July 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5) ☒ Claim(s) 1-3,5-9 and 11-15 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1-3,5-9 and 11-15 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

### **DETAILED ACTION**

1. Applicant's amendment filed 7/12/2011 has been fully considered.
2. Claims 1-3, 5-9, and 11-15 are pending and have been examined. Claims 4, 10, and 16 have been canceled.

### ***Response to Amendment***

3. Applicant's arguments with respect to the prior art have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-3, 5-9, and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Murakami (2003/0196086).**

**Regarding claims 1 and 14**, Murakami teaches

deriving a watermark secret from an identifier data item identifying the information signal by a function which is computationally infeasible to invert (fig.4, fig.8, par.82-91);

embedding a digital watermark in the information signal where said embedding is controlled by the watermark secret (par.82-91);

calculating a digital fingerprint from the information signal (par.92-101);

storing the calculated digital fingerprint as a reference digital fingerprint and storing, in relation to the reference digital fingerprint, said identifier data item (par.106-121).

**Regarding claims 9 and 15, Murakami teaches**

providing a plurality of digital reference fingerprints each calculated from a respective reference information signal, where each digital fingerprint is associated with a corresponding watermark secret (par.106-121);

calculating a digital fingerprint from the information signal (par.106-121);

determining a matching digital fingerprint from the plurality of digital reference fingerprints as corresponding to the calculated digital fingerprint, wherein a query is sent to a fingerprint database, the query comprising the calculated digital fingerprint, and wherein a response is received from the fingerprint database, the response including a identifier data item from which the watermark secret associated with the matching digital fingerprint can be derived (par.122-131); and

detecting whether a digital watermark according to the watermark secret associated with the matching digital fingerprint is present in the information signal (par.122-131).

**Regarding claim 2, Murakami teaches** wherein the information signal is an audio signal, the digital fingerprint is an audio fingerprint, and the digital watermark is an audio watermark (par.64-72).

**Regarding claim 3**, Murakami teaches wherein storing the calculated digital fingerprint and said identifier data item comprises storing the calculated digital fingerprint and the identifier data item in a fingerprint database (fig.11).

**Regarding claim 5**, Murakami teaches wherein the watermark secret is determined by a random process (par.82-95).

**Regarding claim 6**, Murakami teaches where the digital watermark comprises a watermark payload and wherein the watermark payload is indicative of the information signal (par.82-95).

**Regarding claim 7**, Murakami teaches encoding said watermark payload based on an encryption key derived from an identifier indicative of an information content of the information signal (par.74-95).

**Regarding claim 8**, Murakami teaches wherein the information signal is a video signal (par.64-72).

**Regarding claim 11**, Murakami teaches wherein sending the query and receiving the response comprise communicating via a communications network (par.106-121).

**Regarding claim 12**, Murakami teaches wherein the information signal comprises an encoded information signal; and calculating the digital fingerprint comprises decoding the encoded information signal, and calculating the fingerprint from the decoded information signal (par.106-121).

**Regarding claim 13**, Murakami teaches wherein determining the matching digital fingerprint comprises performing a search in the fingerprint database based on reliability information about the calculated digital fingerprint (par.106-121).

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Garcia Cervetti whose telephone number is (571)272-5861. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.
7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571)272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David García Cervetti/  
Primary Examiner, Art Unit 2436